



Growth Management Committee

**Tuesday, March 28, 2006
1:00 PM – 4:00 PM
212 Knott Building**

Committee Action

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

Summary:

Growth Management Committee

Tuesday March 28, 2006 01:00 pm

HB 935 CS Favorable

Yeas: 9 Nays: 0

HB 7109 Favorable

Yeas: 8 Nays: 0

PCB GM 06-02 Favorable

Yeas: 8 Nays: 1

PCB GM 06-03 Favorable

Yeas: 9 Nays: 0

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Randy Johnson (Chair)	X		
Anna Benson	X		
Jennifer Carroll	X		
Mike Davis	X		
D. Alan Hays	X		
Bob Henriquez	X		
Carlos Lopez-Cantera	X		
Ari Porth	X		
William Proctor	X		
Shelley Vana	X		
Totals:	10	0	0

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

HB 935 CS : Temporary Buildings

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana				X	
Randy Johnson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

HB 7109 : Homestead Property Assessments

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Anna Benson				X	
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor				X	
Shelley Vana	X				
Randy Johnson (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

PCB GM 06-02 : Growth Management

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez		X			
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana				X	
Randy Johnson (Chair)	X				
Total Yeas: 8		Total Nays: 1			

Appearances:

PCB GM 06-02 - Growth Management

Valerie Hubbard, Director, Division of Community Planning (Lobbyist) (State Employee) - Information Only
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee FL 32399
Phone: 850-487-4545

PCB GM 06-02 - Growth Management

Laura Jacobs (Lobbyist) - Proponent
Grady Pridgen Inc.
712 S. Oregon Avenue
Tampa FL 33606
Phone: 813-495-0575

PCB GM 06-02 - Growth Management

Denise Layne (Lobbyist) (General Public) - Opponent
Coalition for Responsible Growth
2504 Ayers Hill Court
Lutz FL
Phone: 813-246-1485

PCB GM 06-02 - Growth Management

Wade Hopping (Lobbyist) (General Public) - Proponent
AFCD
710 N. Ride Rd.
Tallahassee FL 32303
Phone: 850-222-7500

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

PCB GM 06-02 - Growth Management

Charles Pattison, Executive Director (Lobbyist) - Opponent

1000 Friends of Florida

P. O. Box 5948

Tallahassee FL 32314

Phone: 850-222-6277 ext 103

PCB GM 06-02 - Growth Management

Rebecca O'Hara (Lobbyist) - Information Only

Florida League of Cities

P. O. Box 1757

Tallahassee FL 32302

Phone: 850-222-9684

PCB GM 06-02 - Growth Management

Ginger Delegal, General Counsel (Lobbyist) - Opponent

Florida Association of Counties

Tallahassee FL 32301

Phone: 850-922-4300

PCB GM 06-02 - Growth Management

Cari Roth (Lobbyist) - Proponent

101 N. Monroe St.

Tallahassee FL 32301

Phone: 850-222-8611

PCB GM 06-02 - Growth Management

Eric Poole (Lobbyist) - Opponent

Florida Association of Counties

100 S. Monroe Street

Tallahassee FL

Phone: 850-922-4300

PCB GM 06-02 - Growth Management

Louis Rotundo (Lobbyist) - Proponent

City of Altamonte Springs

302 Pinestraw Circle

Tallahassee FL 32714

Phone: 407-699-9361

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

House of Representatives
COMMITTEE BILL ACTION WORK SHEET

Committee on: Graphic Management

Date of Meeting: 3/28/06

Time: 1:20 PM

Place: 212 East 8th St.

BILL NO 202 6-1-06 02
Subject Growth Management
Date Received
Date Reported

COMMITTEE ACTION:

- ☐
- Favorable

- ☐
- Favorable with Committee Substitute

- ☐
- Temporarily Passed

- ☐
- Favorable with

- ☐
- Unfavorable

- ☐
- Reconsidered

Amendments

VOTE:

Other Action:

[illegible]

Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		TOTALS								

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

Bill No. PCB GM 06-02

Adopted
3/28/06

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

163.3180 Concurrency.--

(13)

(g) Interlocal agreement for school concurrency.--When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

addition to the requirements of ss. 163.3177(6)(h) and 163.31777, the interlocal agreement shall meet the following requirements:

5. Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. ~~The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans.~~ The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Paragraph (g) of subsection (13) of section 163.3180, Florida Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; amending s. 163.3180(13)(g), Florida Statutes; deleting a requirement to adopt the school

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

52 concurrency service areas and criteria and standards for
53 establishment of the service areas into the local
54 government comprehensive plan; providing an effective date.

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Adopted
3/28/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(4) POWERS AND DUTIES.—The commission shall:

(h) The Commission is assigned to the Office of the
Secretary of the Department of Community Affairs for
administrative and fiscal accountability purposes, but it shall
otherwise function independently of the control and direction of
the department.

(i) The Commission shall develop a budget pursuant to
Chapter 216. The budget is not subject to change by the
department, but such budget shall be submitted to the Governor
along with the budget of the department.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Paragraphs (h) and (i) are added to subsection
(4) of section 163.3247, Florida Statutes, to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-02

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; adding paragraphs (h) and (i) to subsection
(4) of section 163.3247, Florida Statutes; assigning the
Century Commission for a Sustainable Florida to the
Department of Community Affairs for administrative and
fiscal accountability purposes; providing for budget
development; providing an effective date.

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Adopted
3/28/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (X/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

**Substitute Amendment for Amendment (3) by Representative
Johnson (with directory and title amendments)**

Remove line(s) 134 and insert:

339.2819 Transportation Regional Incentive Program.--

(2) The percentage of matching funds provided from the
Transportation Regional Incentive Program shall be 50 percent of
project costs, ~~or up to 50 percent of the nonfederal share of
the eligible project cost for a public transportation facility
project.~~

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

Section 4. Subsection (2) of section 339.2819, Florida
Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

21 municipalities; revises criteria for matching funds for the
22 Transportation Regional Incentive Program ; providing an
23 effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

163.31777 Public schools interlocal agreement.--

(3)

~~(b) The state land planning agency's notice is subject to
challenge under chapter 120; however, an affected person, as
defined in s. 163.3184(1)(a), has standing to initiate the
administrative proceeding, and this proceeding is the sole means
available to challenge the consistency of an interlocal
agreement required by this section with the criteria contained
in subsection (2) and this subsection. In order to have
standing, each person must have submitted oral or written
comments, recommendations, or objections to the local government
or the school board before the adoption of the interlocal
agreement by the school board and local government. The district
school board and local governments are parties to any such
proceeding. In this proceeding, when the state land planning
agency finds the interlocal agreement to be consistent with the~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

~~criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

Section 4. Paragraphs (b) and (c) of subsection (3) of 163.31777 are amended to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; deleting challenge provisions related to
the public schools interlocal agreement; providing an
effective date.

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3/28/06

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

**Substitute Amendment for Amendment (5) by Representative
Johnson (with directory and title amendments)**

Remove line(s) 134 and insert:

163.3172 Development incentives for workforce housing.--

(1) The Legislature recognizes that there is a growing
need for the development of residential housing units that are
affordable to Florida's working citizens. In addition, the
Legislature recognizes that statutory provisions oftentimes
contribute to a developer not including affordable residential
units within its development as a result of increased costs
arising from statutory requirements. The Legislature declares
that it is of utmost importance to incentivize the development
of workforce housing by providing benefits and regulatory relief
to a developer if a development includes a specified percentage
of its residential units as workforce housing units. For
purposes of this section, the term "workforce housing" means
housing that is affordable to a household that earns less than
150 percent of the area median household income adjusted for
family size.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

23 (2) Developments that include the specified percentage of
24 residential units within its development that qualify as
25 workforce housing shall receive the following incentives:

26 (a) If a development within a municipality dedicates at
27 least 15 percent of its units to the construction of workforce
28 housing, then any existing or future charter county charter
29 provision, charter county ordinance, charter county land
30 development regulation, or countywide special act that governs
31 the use, development, or redevelopment of land shall not be
32 applicable to such development, unless the provision regulates
33 expressive conduct. For purposes of this subsection, the term
34 "workforce housing" means housing that is affordable to a
35 household that earns less than 150 percent of the area median
36 household income adjusted for family size.

37 (b) Density Bonus. A development's approved residential
38 units shall be increased by the following percentage based upon
39 the percentage of residential units that qualify as workforce
40 housing:

41 1. 15 percent of qualified units: development receives a
42 15 percent increased in residential units;

43 2. 20 percent of qualified units: development receives a
44 20 percent increased in residential units;

45 3. 25 percent of qualified units: development receives a
46 25 percent increased in residential units;

47 4. 35 percent of qualified units: development receives a
48 35 percent increased in residential units; and

49 5. 50 percent of qualified units: development receives a
50 50 percent increased in residential units.

51
52 A developer qualifying for and receiving a density bonus under
53 this subsection shall not be required to utilize the increased

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

residential units for workforce housing nor shall the increased
number of residential units be included within a local
government's determination of the number of trips generated by
the development.

(c) Expedited Permitting. Recognizing that time delays in
permitting a development may result in increase development
costs, permits associated with a development with at least 15
percent of its residential units that are qualified as workforce
housing shall be reviewed by the applicable local government on
an expedited basis. Within 90 days of the effective date of
this act, the Department of Community Affairs shall implement by
rule an expedited permitting process similar to section 288.109,
Florida Statutes.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

Section 4. Section 163.3172, Florida Statutes is created to
read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; providing an exemption from the effect of
charter county provisions for certain development within a
municipality; providing an effective date.

Adopted
3/28/06

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

**Substitute Amendment for Amendment (6) by Representative
Johnson (with directory and title amendments)**

Remove line(s) 134 and insert:

163.3180 Concurrency.--

(5)

(h) Municipalities that have an area-wide development of
regional impact created under s. 380.06 (25), F.S., or a
downtown development authority created under 380.06 (22), F.S.
shall be exempt from the requirements of transportation
concurrency within the designated area if: they have not
increased the boundaries of the development of regional impact
after July 1, 2005; and adopt a mitigation plan, with funding
identified, to address transportation deficiencies if one has
not been adopted as part of the creation of the area-wide
development of regional impact.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6(for drafter's use only)

Section 4. Paragraph (e) is added to subsection (9) of section
163.3180, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; provides a transportation concurrency
exemption; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 to PCB GM 06-02

Bill No. PCB GM 06-02

Adopted
3/28/06

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. However, local governments, in cooperation with the Department of Transportation, which adopt a five-year or longer transportation improvements plan for future development and make the financial commitments to fund such plan, shall be deemed concurrent throughout the duration of the plan even if in any particular year such transportation improvements are not concurrent.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 to PCB GM 06-02

18 ===== D I R E C T O R Y A M E N D M E N T =====

19 Before line(s) 134 insert:

20 Section 4. Paragraph (c) of subsection (2) of section
21 163.3180, Florida Statutes, is amended to read:

22

23 ===== T I T L E A M E N D M E N T =====

24 Remove line(s) 13 and insert:

25 municipalities; providing that transportation concurrency
26 is met under certain circumstances; providing an effective
27 date.

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Adopted
3/28/83

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Before line(s) 134 insert:

6 (b)1. The capital improvements element shall be reviewed
7 on an annual basis and modified as necessary in accordance with
8 s. 163.3187 or s. 163.3189 in order to maintain a financially
9 feasible 5-year schedule of capital improvements. Corrections
10 and modifications concerning costs; revenue sources; or
11 acceptance of facilities pursuant to dedications which are
12 consistent with the plan may be accomplished by ordinance and
13 shall not be deemed to be amendments to the local comprehensive
14 plan. A copy of the ordinance shall be transmitted to the state
15 land planning agency. An amendment to the comprehensive plan is
16 required to update the schedule on an annual basis or to
17 eliminate, defer, or delay the construction for any facility
18 listed in the 5-year schedule. An affected person may only
19 challenge the addition of a facility when it is first added to
20 the 5-year schedule of capital improvements, or when a project
21 is proposed to be eliminated, deferred or delayed. All public

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 to PCB GM 06-02

22 facilities shall be consistent with the capital improvements
23 element. Amendments to implement this section must be adopted
24 and transmitted no later than December 1, 2007. Thereafter, a
25 local government may not amend its future land use map, except
26 for plan amendments to meet new requirements under this part and
27 emergency amendments pursuant to s. 163.3187(1)(a), after
28 December 1, 2007, and every year thereafter, unless and until
29 the local government has adopted the annual update and it has
30 been transmitted to the state land planning agency. If there is
31 a challenge by an affected party to the 5-year schedule of
32 capital improvements, a local government may continue to adopt
33 plan amendments to its future land use map during the pendency
34 of the challenge and any related litigation. The outcome of the
35 third party challenge to the 5-year schedule of capital
36 improvements shall not affect any amendments adopted during the
37 pendency of such challenge and any related litigation.

38
39
40 ===== D I R E C T O R Y A M E N D M E N T =====

41 Before line(s) 134 insert:

42 Section 4. Subparagraph 1 of paragraph (b) of subsection 3
43 of section 163.3177, Florida Statutes, is amended to read:

44
45 ===== T I T L E A M E N D M E N T =====

46 Remove line(s) 13 and insert:

47 municipalities; providing for the effectiveness of future
48 land use amendments following a challenge to the 5-year
49 schedule of capital improvements; providing an effective
50 date.

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Adopted
3/28/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

4. School capacity shall not be the basis to find any amendment to a local government comprehensive plan not in compliance pursuant to section 163.3184, until the date established pursuant to section 163.3177(12) (i) provided that data and analysis is submitted to the state land planning agency demonstrating coordination between the school board and local government to plan to address capacity issues.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Subparagraph 4 is added to paragraph (d) of subsection (13) of section 163.3180, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 to PCB GM 06-02

21 municipalities; providing that school capacity is not a
22 basis for finding a comprehensive plan amendment not in
23 compliance; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(24) STATUTORY EXEMPTIONS.

(1) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, ~~and~~ has entered into a binding agreement with ~~adjacent~~ jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from ~~the provisions of~~ this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(28) PARTIAL STATUTORY EXEMPTIONS.

(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (24)(n) for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.

(c) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

52 (d) A local government that does not wish to enter into a
53 binding agreement or that is unable to agree on the terms of the
54 agreement referenced under paragraph (24)(l), paragraph (24)(m),
55 or paragraph (24)(n) shall provide written notification to the
56 state land planning agency of the desire not to enter into a
57 binding agreement or failure to enter into a bind agreement
58 within the 12-month period referenced in paragraphs (a), (b) and
59 (c). Following the notification of the state land planning
60 agency, the development-of-regional-impact review for projects
61 within the urban service boundary under paragraph (24)(l), a
62 rural land stewardship area under paragraph (24)(m), or for an
63 urban infill and redevelopment area under paragraph (24)(n) must
64 address transportation impacts only.

65
66 ===== D I R E C T O R Y A M E N D M E N T =====

67 Before line(s) 134 insert:

68 Section 4. Subsection (24) of section 380.06, Florida
69 Statutes, is amended; and subsection (28) is added to section
70 380.06, Florida Statutes, to read:

71
72 ===== T I T L E A M E N D M E N T =====

73 Remove line(s) 13 and insert:

74 municipalities; clarifying an exemption from development of
75 regional impact review; providing consequences for entering
76 and not entering a binding agreement relating to certain
77 development; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Between line(s) 44 and 45 insert:

The local government and Department of Transportation shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the Department of Transportation for Strategic Intermodal System facilities, as defined in s. 339.64.

2. Municipalities that are at least 90 percent built-out. For purposes of this exemption:

a. The term "built-out" means that 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of 5 units per acre for residential developments.

b. The municipality must have adopted an ordinance that provides the methodology for determining its built-out

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11 to PCB GM 06-02

percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies, including alternative modes of transportation within the municipality. Prior to the adoption of the ordinance, the Department of Transportation shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Further, the local government shall cooperatively establish a plan for maintaining the adopted level-of-service standards established by the department for Strategic Intermodal System facilities, as defined in s. 339.64.

c. If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.

d. If transportation concurrency requirements are waived under this subparagraph, the municipality must adopt a comprehensive plan amendment pursuant to s. 163.3187(1)(c) which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance adopted in subparagraph b. to the state land planning agency.

===== T I T L E A M E N D M E N T =====

Remove line(s) 8 and 9 and insert:

urban infill, redevelopment, downtown revitalization areas, and certain built-out municipalities; providing criteria

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 11 to PCB GM 06-02

52 for such built-out municipalities; deleting record keeping
53 and reporting requirements

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COMMITTEE MEETING REPORT

Growth Management Committee

3/28/2006 1:00:00PM

Location: 212 Knott Building

PCB GM 06-03 : Growth Management

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana				X	
Randy Johnson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

PCB GM 06-03 - Growth Management

Valerie Hubbard, Director, Division of Community Planning (Lobbyist) (State Employee) - Information Only
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee FL
Phone: 850-487-4545

PCB GM 06-03 - Growth Management

Larry Sellers (Lobbyist) - Proponent
Intrawest
P. O. Box 810
Tallahassee FL 32302
Phone: 850-224-7000

PCB GM 06-03 - Growth Management

David Ramba (Lobbyist) - Proponent
Callery Judge Grove

PCB GM 06-03 - Growth Management

Garrett Wallace (Lobbyist) (State Employee) - Information Only
South Florida Water Mgt. Dist.
3301 Gon Club Road
West Palm Beach FL 33404
Phone: 561-662-7208

PCB GM 06-03 - Growth Management

Eric Draper (Lobbyist) - Information Only

Committee meeting was reported out: Tuesday, March 28, 2006 5:25:59PM

House of Representatives
COMMITTEE BILL ACTION WORK SHEET

Committee on: Growth Management

Date of Meeting: 5/26/06

Time: 1:50 PM

Place: 212 East 84 St.

BILL NO 708 GA 06 03
Subject Credit Management
Date Received
Date Reported

COMMITTEE ACTION:

- ☐
- Favorable

- ☐
- Favorable with Committee Substitute

- ☐
- Temporarily Passed

- ☐
- Favorable with

- ☐
- Unfavorable

- ☐
- Reconsidered

Amendments

VOTE:

Other Action:

[illegible]

Years	Nays			Years	Nays	Years	Nays	Years	Nays	Years	Nays
9	0	TOTALS									

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-03

Bill No. PBC GM 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Between line(s) 48 and 49 insert:

(f) 6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-03

not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

===== D I R E C T O R Y A M E N D M E N T =====

Between line(s) 48 and 49 insert:

Section 3. Subparagraph 6 of paragraph (f) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

appropriation; providing clarification; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-03

Bill No. PBC GM 06-03

Adopted
3/28/06

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Between line(s) 48 and 49 insert:

(h) New applications for development approval within or adjacent and contiguous to property which has been granted a transportation concurrency exception pursuant to this section shall not be required to include traffic generated as a result of the grant of the exemption in their traffic concurrency calculations.

===== D I R E C T O R Y A M E N D M E N T =====

Between line(s) 48 and 49 insert:

Section 3. Paragraph (h) is added to subsection (5) of section 163.3180, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

appropriation; providing direction for the calculation of traffic concurrency; providing an effective date.

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Adopted
3/28/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to PCB GM 06-03

Bill No. PCB GM 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

163.3180 Concurrency.--

(17)

(a) It is the intent of the Legislature to confirm and ratify the ability of local governments to require all new development to mitigate for its impact on transportation facilities, regardless of the size or type of development by payment of a "per trip" fee. In order to ensure that the cost of transportation facilities is equitable and equally distributed, the Legislature recognizes that a local government may charge a fee per trip to be put on roadways and paid at the time of issuance of a building permit for any new structure. Such a fee shall be known as a "Trip Fee" and may be used to fund new facilities or to fix existing deficiencies on transportation facilities. Should the local government proceed to adopt a Trip Fee, no diminimis impact shall be allowed.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to PCB GM 06-03

(b) The Department of Transportation shall, by December 1, 2006, develop a model ordinance containing a methodology for local governments to use in implementing the Trip Fee concept. Local governments shall not be required to adopt such a concept but are encouraged to view this as an alternative to the local government's adopting impact fees for transportation facilities.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Subsection (17) of section 163.3180, Florida Statutes is created to read.

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

appropriation; creating a trip fee; providing an effective date.

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